

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TOBY D. WILCOX,

Plaintiff(s),

vs.

OHIO PENAL INDUSTRIES, et. al.,

Defendant(s).

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Case Number: 1:07cv554

District Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on July 24, 2008 Report and Recommendation (Doc. 22). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 25).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, Defendants' motion to set aside the Entry of Default is **GRANTED**. Likewise for good cause shown, Defendants' motion for leave to file their answer instanter is **GRANTED**. Since the court GRANTED the motion to set aside the entry of default, the Court finds no legal or factual support for Plaintiff's motion for default judgment, therefore, Plaintiff's motion for default judgment is **DENIED**.

IT IS SO ORDERED.

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s/Susan J. Dlott
Susan J. Dlott
United States District Judge